



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/762,896

01/22/2004

Michael C. Rourke

250-002

5432

34845 7590 08/10/2007
McGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON, MA 01720

EXAMINER

SUN, SCOTT C

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,896	Applicant(s) ROURKE, MICHAEL C.	
	Examiner Scott Sun	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 5/25/2007, have been fully considered and are persuasive. Therefore, the rejection and its finality have been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Castleman (US Patent #6,054,846), as attached below. Examiner further notes that previous examiner's amendments discussed with the applicant to correct claims that are non-statutory (software per se) are also void. Instead, the rejections under 35 U.S.C 101 are also attached in this office action.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 12, 14-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 12 and 23 are directed to logic and means that according to applicant's specification (page 15) can be either software or hardware. Therefore, the claims are not limited to statutory subject matter, as the claims can be software, per se. Appropriate correction is requested.

3. To expedite a complete examination of the instant application, the claim(s) rejected under 35 USC 101 (nonstatutory) above are further rejected as set forth below

in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 9, 10, 12, 20, 21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Castleman (US Patent #6,054,846).

6. Regarding claims 1, 12, 23, Castleman discloses a method/system (figure 1) of connecting a device (supplied device 40) to a central system (system 20), comprising:

Detecting the insertion of a cable connector (connector 31) into a slot (terminal 26) in said central system, wherein said cable connector is integral to a cable that is terminated by said cable connector, wherein said cable is communicably connected to said device at an opposite end of a cable from said cable connector (column 13, lines 24-29, 43-51; column 14, lines 1-5, 21-27, 32-40);

Reading, through said slot, configuration information (information 33) stored in a memory (memory 32) contained within said cable connector (column 14, lines 21-26), wherein said configuration information includes information describing said device (column 14, lines 33-40); and

Configuring said central system in response to said configuration information read from said memory contained within said cable connector (column 13, lines 43-60).

7. Regarding claims 9, 10, 20, 21, Castleman discloses claim 1 and 12, and further discloses wherein said device is an input/output device (notebook computer used as an example, column 17, lines 25-34).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 5, 9-12, 16, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spitaels et al (PG Pub #2002/0136038) in view of Rostoker et al (US Patent # 6,131,125) further in view of Castleman (US Patent #6,054,846)

10. Regarding claim 1, Spitaels discloses a method of connecting a device (UPS 60) to a central system (host computer 30; figure 3), comprising: detecting the insertion of a cable connector (USB plug, DB-9 plug, DB-25 plug, an adapter for connecting to different types of jacks, etc, paragraph 25) into a slot (jack or port on host computer 30) in said central system (paragraph 25; figures 4, 5), wherein said cable connector is integral to a cable (cable 50) that is terminated by said cable connector (on one end of cable 50, paragraph 25), wherein said cable is communicably connected to said device at an opposite end of a cable from said cable connector (paragraph 25);

Reading, through said slot, configuration information (UPS firmware for setting up plug-and-play driver installation, paragraph 28) stored in a memory (memory on UPS 60 storing the firmware);

Configuring said central system (installing driver) in response to said configuration information read from said memory (paragraph 28);

Spitaels does not disclose explicitly the configuration information is stored in a memory contained within said cable connector. However, Rostoker discloses that cable connectors (connectors 52, 56 shown in figure 2) can contain the controller and associated memory and data to process communication between devices (column 5, lines 6-40). Teachings of Rostoker and Spitaels are from the same art of communication path between peripherals and host devices, and specifically of connectors.

Therefore, it would have been obvious at the time of invention to combine teachings of Spitaels with teachings of Rostoker by storing the configuration data, controller, and memory into the connector of Spitaels system for the benefit of using the connector independently from the devices being connected (using the connector as "smart" cables; Rostoker; column 2, lines 18-35).

Spitaels and Rostoker combined does not disclose explicitly that the configuration information includes information describing said device. However, Castleman discloses a cable (cable 30, figure 1) comprising a connector (connector 31) containing a memory (memory 32) which stores configuration information (identification information 33) including information describing said device (device 40 connected to

other end of cable, column 14, lines 1-26). Teachings of Spitaels, Rostoker, and Castleman are from the same art of connection between host and peripheral devices.

Therefore, it would have been obvious at the time of invention to combine teachings of Spitaels, Rostoker, and further with Castleman by storing device identification information in the cable connector for the benefit of reducing cost by providing a single, universal connection in multi-user environments (Castleman, column 5, lines 9-27)

11. Regarding claim 5, Spitaels, Rostoker and Castleman combined disclose claim 1, and Spitaels further discloses wherein said slot is one of a plurality of slots (a plurality of ports on host system; paragraph 31) in said central system, and wherein said configuring comprises establishing a communication path between said slot and logic within said central system associated with said device (plug-and-play; paragraph 28). Examiner notes that by definition of plug-and-play, a communication path is established between the processing elements of the host and the peripheral device.

12. Regarding claims 9 and 10, Spitaels, Rostoker and Castleman combined disclose claim 1, and Spitaels further discloses wherein said device is an input device or output device (monitor, printer, fax machine, zip drive, scanner; paragraph 6).

13. Regarding claim 11, Spitaels, Rostoker and Castleman combined disclose claim 1, and Rostoker further discloses providing said configuration information to a maintenance interface (processing element in host system performing plug-and-play drivers update) of said central system separate from said slot (column 7, lines 50-67). Examiner notes that a drivers update would require the device to send configuration

information to the host computer to identify the current drivers being used to determine if newer drivers are available.

14. Claims 12, 13, 16, 20-23 are substantially similar to claims 1, 2, 5, 9-11 above and are rejected using the same grounds of rejection.

15. Claims 3, 4, 6-8, 14, 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spitaels in view of Rostoker and Castleman further in view of Rabin (US Patent #6,081,782).

16. Regarding claim 3, , Rostoker and Castleman combined disclose claim 1 but does not disclose explicitly configuration information includes information describing a characteristic of a user of said device. However, Rabin discloses storing configuration information including user characteristics (speech models; column 4, lines 5-25) on peripherals. Teachings of Spitaels, Rostoker, Castleman and Rabin are from the same field of peripherals, and specifically of data transfers.

Therefore, it would have been obvious at the time of invention to combine teachings of Spitaels and Rostoker, and further with teachings of Rabin to include user characteristics (speech models) in the configuration information for the benefit of identifying the user (column 4, lines 10-11). Examiner notes that Rostoker further teaches configuration information can be stored in the connector as previously cited for rejection of claim 1.

17. Regarding claim 6, Spitaels, Rostoker, Castleman and Rabin combined disclose claim 3, and Rabin further discloses wherein said at least one characteristic of said user

of said device comprises an identity of said user (vocal characteristics of speech models for identifying who the user is; column 6, lines 35-45); wherein said configuring includes accessing at least one other characteristic (bank balance) of said user of said device in response to said identify of said user, and wherein said at least one other characteristic of said user is stored within and accessed from a memory in said central system (accessing data in a bank system after verifying identify of the user; column 8, lines 30-38).

18. Regarding claim 7, Spitaels, Rostoker, Castleman and Rabin combined disclose claim 3, and Rabin further discloses configuring comprises configuring a speech recognition process within said central system in response to said at least one characteristic of said user (configuring the system to recognize the commands fitting the particular microphone and speech characteristics; column 5, lines 12-25).

19. Regarding claim 8, Spitaels, Rostoker, Castleman and Rabin combined disclose claim 7, and Rabin further discloses wherein said device is a microphone (column 3, lines 60-61).

20. Regarding claim 4, Spitaels, Rostoker, and Castleman combined disclose claim 1 but does not disclose explicitly writing at least one characteristic of a user into said memory contained within said connector. However, Rabin discloses storing user characteristics (speech models) into a peripheral (portable device such as a smart card). As previously stated in rejection of claim 3, Rabin's teachings in combination with Rostoker's teaching of storing the configuration information into the connector of a

peripheral would motivate one of ordinary skill in the art to store the user characteristic used to configure the system into the connector of the peripheral.

21. Claims 14, 15, 17-19 are substantially similar to claims 3, 4, 6-8 above. The same grounds of rejection are applied.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Sun whose telephone number is (571) 272-2675. The examiner can normally be reached on M-F, 10:30am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


KIM HUYNH
SUPERVISORY PATENT EXAMINER

8/6/07